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SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

Third periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, purusant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993

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Introduction: General situation in Sarajevo

1. The Special Rapporteur conducted a mission to Sarajevo on 11 and 12 August 1993. He was severely restricted in carrying out the mission by the fact that Sarajevo is a city under siege and internal communication is extremely difficult. The telephone system has virtually collapsed and civilians are without transport. Several parts of the city are only hundreds of metres from the front-line and snipers terrorize entire districts.

2. Conditions in Sarajevo have deteriorated dramatically since the Special Rapporteur's last mission there in October 1992 (see A/47/635). The 16-month siege has taken a visible physical and psychological toll on the population. Every day civilians are facing a dire shortage of food, water, gas and electricity, which is aggravated by the constant sense of threat pervading the city. The whole fabric of ordinary life has been destroyed by the siege.

3. Although many of the people he spoke to still cherish the principle of a multi-ethnic society in which people live peaceably together, as the war continues in other parts of Bosnia and Herzegovina it is evident that tensions between the Muslim, Serb and Croat populations of the city are mounting. Bosnian Serbs in the city feel vulnerable. The Special Rapporteur learned that Bosnian Croats in Sarajevo also feel increasingly insecure.

4. The Special Rapporteur is concerned that the basic human needs of civilians in Sarajevo are being used as a weapon of war, which is a clear violation of the provisions of international law on the conduct of war. The rule of law is in the process of collapsing and human rights are increasingly being violated.

5. Tragically, this pattern has been reported from other besieged areas of Bosnia and Herzegovina, most graphically in recent days from Mostar. At the time of preparing this report, international relief agencies had still not gained access to that area and the Special Rapporteur's own human rights monitors were also barred from entering the city. The level of suffering inflicted on the civilian population in all these cases is a cause of profound concern.

I. THE USE OF BASIC UTILITIES AS A WEAPON OF WAR

6. Since May 1993 supplies of electricity, water and gas to Sarajevo have all but stopped. Most of these supply lines run through valleys where much of the fighting in Bosnia and Herzegovina has been concentrated, in the course of which they have been damaged. However, a significant proportion of the damage caused to the supply lines has been deliberate, according to United Nations Protection Force engineers who have attempted to repair them. Repair crews have been shot at by both Bosnian Serb and government forces, wounded and sometimes killed. Where supply lines have remained intact, both sides are reported to have withheld deliveries to those sectors of the civilian population they regard as "hostile".

Electricity

7. Electricity is the key to the supply of all utilities to the city. Since October 1992 only five electricity stations have supplied energy to Sarajevo, three of them under Bosnian Serb control and two under the control of the Government of Bosnia and Herzegovina. All five stations are to the north of Sarajevo, within the range of artillery, and each transmission line crosses the front-line at least once. In May 1993, in the outbreak of fighting in Herzegovina between Bosnian Croats and governmental forces the supply line from the Jablanica power plant which fed these stations was destroyed. At the same time, a Bosnian Serb offensive north of Sarajevo destroyed the government-controlled Buca Potok transmission line. Supplies of electricity in Sarajevo fell drastically from 90 megawatts to 5.

8. The problem of restoring the supply, however, is political rather than technical, according to UNPROFOR engineers. Engineering teams of Serb, Croat and Muslim origin have cooperated closely on repairs, but their work has been undermined by military actions undertaken as a result of political decisions.

9. According to UNPROFOR, each side has tried to reduce the electricity they run to the other side through their own lines, and civilian populations have borne the brunt. Before April 1993, for instance, supplies to towns and villages from Reljevo electricity station were reportedly cut off by the government of Bosnia and Herzegovina in an effort to make Bosnian Serb forces repair lines transmitting electricity to government-held areas. The government of Bosnia and Herzegovina is also alleged to have attempted to deprive Bosnian Serbs in Grbavici of electricity which runs through government-held lines in Sarajevo.

Water

10. Seven hundred metres divide the highest inhabited parts of Sarajevo from the lowest, and electricity is essential to work the pumping stations which feed water through the city. Since 14 July 1993 a small quantity of electricity has been delivered to the pumping station in Bacevo, allowing some water to reach the mixed civilian population that lives in the west of Sarajevo. The eastern part of the city, however, depends totally on communal hand pumps, estimated to number between 150 and 200.

11. There are four main sources of water outside Sarajevo. Since the war began, all catchment and main wells have been under Bosnian Serb control and reservoirs under the control of the Government of Bosnia and Herzegovina. During his mission the Special Rapporteur learned that supplies of water, like electricity, are being used by the Bosnian Serb forces as a military weapon. Governmental forces also are using that method. In summer 1992, for example, the government-held pumping installation at Moscanica was attacked and destroyed by explosives. Since at least May 1993 Bosnian Serb forces have also cut off supplies to Sarajevo, as well as to Hrasnica, Butmir and Sokolovici. On the other hand, Bosnian Serb civilians living in Grbavici and Rajlovic have been without water for several months, apparently because their supplies are being intercepted by government forces.

Gas

12. The gas supply in Sarajevo has also become weak and unstable. In November 1992 serious damage was inflicted on the government-controlled station at Semizovac, east of the city and in mid-July 1993 the remaining gas supply from a Bosnian-Serb controlled source in Zvornik ceased without explanation. However, gas pressure in areas outside the city, such as Zvornik and Kladanj, reportedly remained normal at 30 bars. By August, UNPROFOR engineers had reopened the supply, but pressure in the city remains low - at 0.5 bars - and is unstable.

13. Eighty-five per cent of the gas supply in Sarajevo is consumed by private homes. Previous consumption records show that as winter approaches the demand for gas increases by 700 per cent. The Special Rapporteur learned that without international assistance in cleaning, repairing and replacing old equipment, there is a danger that the supply lines will be incapable of carrying the gas to meet needs.

II. THE BLOCKING OF HUMANITARIAN AID

14. Four hundred and thirty thousand people are estimated to be dependent on food aid in Sarajevo and its surrounding areas. The main supplier is the United Nathions High Commissioner for Refugees (UNHCR). To provide each person with 535 grams of nourishment a day, imports of 1,600 tons are needed each week. In recent months, however, the electricity shortage in Sarajevo has forced UNHCR to fill 70 per cent of its available carrier space with fuel rather than food.

15. UNHCR provides food and fuel for Muslims, Croats and Serbs alike in Sarajevo. Its convoys, however, have been obstructed or attacked by Bosnian Serb and Bosnian Croat forces and sometimes also by governmental forces. On 1 July 1993 Bosnian Serb authorities introduced taxes on all aid convoys crossing their territory, stopping deliveries until 5 July 1993, when UNHCR was declared exempt. A further 12-day delay began on 10 July, when Bosnian Croat authorities refused to issue aid convoys with permits to enter territory under their control.

16. Recent attacks on convoys include the following incidents. In early July 1993 nine UNHCR fuel trucks were blocked at Blazuj by over 100 heavily armed Bosnian Serb soldiers with a tank and other armoured vehicles. The fuel from four trucks was confiscated before the convoy was allowed to pass 10 hours later. A United Nations aeroplane involved in relief flights has been hit six times since 21 July 1993 by fire from positions held by the Government of Bosnia and Herzegovina. On 12 August 1993 the Special Rapporteur's delegation was able to examine the pilot's log book detailing the hits.

Fuel

17. Until March 1993 most UNHCR food and fuel supplies were brought by road from Ploce on the Dalmatian coast, through Mostar to Sarajevo. However, the outbreak of fighting in central Bosnia between Bosnian Croats and government forces has closed this route. Fuel convoys now go north through Prozor and Gornij Vakuf before turning south to Sarajevo. The journey takes five days instead of two and runs over mountain roads which are dangerous and unsuitable for heavy loads or trailers. UNHCR estimates that the quantity of fuel it brings to Sarajevo has dropped by 70 per cent as a result.

Food

18. For a number of weeks airlifts have been the principal source of food for Sarajevo. Depending on the aircraft in use, each flight can carry only 7.5 or 13 tons of supplies, some of them medical goods. UNHCR staff estimate that they are consequently able to meet only 60 to 70 per cent of the food targets they have set themselves, that is to say they can provide a daily food ration of approximately 380 grams for each inhabitant of Sarajevo. Because of the energy shortage, most people lack the means to cook the food they receive.

19. The opening of a safe overland relief route to Sarajevo and other besieged areas of Bosnia and Herzegovina is clearly a matter of the utmost urgency.

20. Distribution of food aid inside Sarajevo involves remarkable cooperative effort. UNHCR estimates food needs on the basis of population figures provided by the Government of Bosnia and Herzegovina and every two weeks donates supplies to the government-funded Agency for Humanitarian Relief, on the understanding that they will be shared fairly among the population. This agency has a weekly meeting with a coordinating group of local relief organisations and arranges for the food to be distributed to people in their neighbourhoods. The four leading organizations in this field are Merhamet, Dobrotvor, Caritas and Benevolencia, which represent the Muslim, Serb, Croat and Jewish communities of the city respectively. According to foreign aid agencies who have monitored the distribution process - such as the United States based Catholic Relief Service - UNHCR food which reaches the civilian population is distributed fairly.

21. Although cooperation between all these agencies has achieved much during the siege, the Special Rapporteur learned that aid distribution is the subject of contention. UNHCR representatives have reason to believe that the population figures given to them by the Government are inflated, with the result that food which could feed the civilian population is being siphoned off to the black market, or to feed the army. According to UNHCR, up to 20 per cent of its food aid may be diverted in this way.

22. The local relief organizations dispute the quantity of food aid which UNCHR says it is supplying, and told the Special Rapporteur that the daily

ration per head is closer to 149 grams. The Special Rapporteur was not able to corroborate the figures provided either by them or by UNHCR. The organizations are frustrated that they are not allowed to meet the shortfall by importing their own relief supplies on UNHCR flights for private distribution. The Sarajevo Caritas group, for instance, complained that 2,000 tons of food intended for them is detained in Split, because UNHCR will not transport it to Sarajevo unless 80 per cent goes to UNHCR for distribution through the state network.

23. The Special Rapporteur raised these concerns directly with representatives of UNHCR. He was told that their relief flights rarely have spare capacity for private loads. UNHCR is also committed to providing relief on an evenhanded basis, a commitment which it believes is not shared by all local relief organizations when they are distributing private relief supplies. The Special Rapporteur believes that local relief initiatives should be supported by all means possible, and in particular that every avenue should be explored to provide them with transport facilities. Each request made by those organizations should be dealt with on a case by case basis.

III. THE VICTIMIZATION OF THOSE IN NEED OF SPECIAL RESPECT AND PROTECTION

24. The wounded and sick, the infirm and maternity cases are among categories of the civilian population who must be given special respect and protection, according to the Fourth Geneva Convention of 1949. In Sarajevo the Special Rapporteur found that they are victims both of direct attack and of the shortages that have been induced for military reasons.

25. The central hospital at Kosevo has been shelled 176 times since the siege began, killing staff and patients alike. In July 1993 one shell destroyed the intensive care unit. As the hospital is 600 metres from the front-line and clearly visible from Bosnian Serb positions, the Special Rapporteur concluded that it has been the object of deliberate attack. During his talks with them, he was informed that medical staff had asked UNPROFOR to provide the hospital with effective protection.

26. The artificial shortage of energy in Sarajevo has put civilian medical services at special risk. Without electricity, surgical instruments are being sterilized over wood-burning stoves at Kosevo hospital and soiled linen is being washed by hand. In July 1993 surgeons at Dobrinja hospital were forced to carry out operations by candle light. The unsteady supply of electricity has made kidney dialysis treatment unsafe and significantly reduced the number of incubators available for premature babies. All these problems are compounded by the deliberately-induced shortage of water. Nevertheless, in both the hospitals he visited, the Special Rapporteur was profoundly impressed by the level of hygiene that staff are maintaining and the high professional standard of the physicians.

27. Deliberate blockades of humanitarian aid have also delayed the delivery of urgent medical supplies to all sectors of the civilian population in Sarajevo. Staff at Kosevo hospital reported they have no gauze, although they are treating wounds so extensively that they need 3,000 square metres per day, while doctors in Dobrinja hospital said that they are sterilizing and reusing soiled gauze. Staff at both hospitals reported an urgent need for basic supplies, such as disinfectant, antibiotics and sedatives. Equipment for cardio-vascular surgery is also in short supply.

28. Waterless sewage in the city creates a real risk of epidemics, particularly as no systematic collection of rubbish has been possible and rats are a present danger. At Kosevo hospital the Special Rapporteur saw a building piled with bloodstained bandages and used dressings waiting for disposal. Deteriorating hygiene in the city, unrefrigerated food storage and a chronic shortage of vaccines compound the risk of infectious disease. Two thousand cases of enterocolitis have been recorded in the first six months of 1993,

compared with 76 for the corresponding period of 1992. Cases of dysentery have also increased and the incidence of hepatitis is double what it was before the war. Doctors told the Special Rapporteur that they fear a hepatitis epidemic is beginning.

29. The disturbing deterioration in the physical and psychological well-being of the Sarajevo population reinforces concern for their long-term health. The annual number of births has dropped from 10,000 before the war to 2,000 while the percentage of congenital deformities has tripled. Fifteen per cent of newborn babies now need treatment in incubators, compared with five per cent in 1991. Two out of three pregnancies are reported to be aborted and the number of suicides is said to have increased.

30. Given this context, people in a life-threatening condition, or in need of radical medical help need immediate evacuation abroad for treatment. However, during his mission the Special Rapporteur learned that the current procedure for evacuating patients is extremely unsatisfactory and that the first evacuations - to Germany - took place only at the beginning of 1993. Since then, UNHCR reports that 200 people have been evacuated.

31. It is UNHCR which transports evacuees from Sarajevo abroad and their representatives have publicly complained that until recent weeks, scarcely any offers to help have come from foreign Governments. Those offers which have been made have, unfortunately, been selective and, in the view of UNHCR, sometimes based on their propaganda value rather than medical need. The situation has improved slightly at the time of preparing this report, but the Special Rapporteur is concerned that for so many months such an acute problem was widely known but ignored by the international community.

32. The Special Rapporteur found that local health officials in Sarajevo are also dissatisfied with the procedure. The decision to evacuate a patient is taken by the International Health Commission composed of doctors appointed by UNHCR, UNPROFOR, WHO and UNICEF, reportedly using strict medical criteria. Local health officials pointed out to the Special Rapporteur that only UNPROFOR and WHO maintain a permanent medical presence in Sarajevo, so that the Commission's meetings are neither frequent or regular. They also questioned the criteria the commission uses in taking its decisions and expressed their frustration that no local doctors are included in the Commission.

33. The Special Rapporteur raised these problems directly with a representative of UNHCR, who said that the Commission had been set up at the initiative of international relief agencies. No local doctors are included in it, because it was thought they would come under immense pressure from patients and their families to arrange for evacuations. It seemed unlikely to the Special Rapporteur that having an effective vote on the Commission would increase the pressure they are under already. He supports the participation of local doctors in the Commission which takes decisions on evacuations.

34. The devotion and courage of the medical staff in Kosevo and Dobrinja deeply impressed the Special Rapporteur during his visit to their hospitals and gave an indication of the qualities shown by medical workers throughout Sarajevo. He was disturbed to learn that the satellite telephone link given to Kosevo hospital by foreign donors has recently been cut off because the administration is unable to pay the bills, depriving them of their only reliable line of communication and compounding the difficulties of their work. The Special Rapporteur believes that this problem should be solved without delay.

IV. THE RAPID DISINTEGRATION OF THE RULE OF LAW

35. Many of the people the Special Rapporteur spoke to during his mission expressed their concern about the collapse of the rule of law in Sarajevo. A leader of the Jewish community said: "We must respect the laws of the country where we live. And I no longer know whose laws those are". A number of people

spoke of the need to have an effective war crimes tribunal to prosecute all war criminals, before real peace could be restored to Sarajevo.

36. The civilian population of Sarajevo has been subjected to brutal violations of the laws on the conduct of war. The arbitrary killing of civilians, for example, has become a permanent feature of life in the city. In Dobrinja alone, which is 400 metres from the front-line, 130 people are reported to have been killed at the checkpoint by sniper fire from Bosnian Serb positions since the war began, and more than 300 wounded. During his visit to the hospital there, the Special Rapporteur spoke with a nurse and a 12-year-old boy who had both recently been shot and wounded. Inhumane acts against civilians, such as their wilful killing and wounding by snipers, should clearly be prosecuted by the War Crimes Tribunal.

37. Shelling of civilian targets is another feature of the situation in Sarajevo. Since the war began, the central mosque has reportedly been hit 50 times from Bosnian Serb positions. Six days after the Special Rapporteur's visit to the area, five shells fell on Dobrinja within the space of 30 minutes, wounding 14 people and killing one, some of whom had rushed to help the first victims.

38. As the war continues, reports have emerged of killings carried out to avenge such attacks. During his meeting with the Deputy Prime Minister of Bosnia and Herzegovina, the Special Rapporteur raised the case of two elderly Bosnian Serb civilians who were allegedly taken from their home in Sarajevo on 26 June 1993 and summarily executed by members of the Muslim forces, after a mortar shell from Bosnian Serb positions had killed seven Bosnian Muslims in the old town earlier that evening. The Deputy Prime Minister promised to give the Special Rapporteur a written reply to the allegation.

39. Arbitrary arrest is also a fear of civilians from all sectors of the population in Sarajevo. The Special Rapporteur was informed by a wide range of sources that men of all ages and backgrounds have been arrested in the street by members of the governmental forces and forced to do dangerous work, digging trenches on the front-line. On the day of his departure from Sarajevo, he learned that three Bosnian Serb detainees from the government-controlled Hrasnica prison had been killed while working at the front-line. One was shot dead by a sniper at Foza and two were killed by a shell at Kula Butmir.

40. Bosnian Croats and Bosnian Serbs in Sarajevo have been at particular risk of arbitrary arrest so that they can be exchanged by the military for Bosnian Muslims held as prisoners-of-war. This policy was admitted to the Special Rapporteur by the Interior Minister of the government of Bosnia and Herzegovina who said it was a regrettable necessity because Bosnian Serb forces often ask for 10 prisoners in exchange for one. He claimed that each of the detainees arrested in this way had signed a statement saying they were willing to be exchanged. The Special Rapporteur pointed out that statements made in such circumstances could not be regarded as voluntary.

41. As far as the Special Rapporteur could establish, civilians who are arbitrarily arrested in Sarajevo have no possibility of being released through the courts: there is no known case when this has happened. It appears that as the siege has continued the courts and municipal authorities have increasingly fallen under the de facto control of local military commanders. The extent to which they are accountable to the Government of Bosnia and Herzegovina is not yet possible to determine.

42. Between 150 and 200 people are reported to be detained in the government-controlled area of Sarajevo and a similar number in the part controlled by Bosnian Serbs, according to figures provided by the International Committee of the Red Cross (ICRC).

43. Regrettably, ICRC often learns of new detentions only months after they have taken place, because the authorities on both sides usually notify it only after they have been specifically requested to do so. For several months

Bosnian Serb authorities and the Government of Bosnia and Herzegovina have been discussing the possibility of an all-for-all exchange of prisoners-of-war. Unless ICRC has been notified of every detention and allowed access to register and visit every detainee, however, it seems unlikely that either side will have sufficient confidence in the other to go ahead with the plan. Immediate access to all detainees by ICRC is also an essential first step towards protecting civilians from being taken as hostages to be exchanged as fictitious prisoners-of-war.

V. CONCLUSIONS

44. The Special Rapporteur's visit provided him with first-hand evidence that the manner in which hostilities are being conducted not only violates the most basic human rights of the inhabitants, but is also in fundamental breach of the laws of war. These breaches include: The starvation of a besieged population as a method of warfare; The use of the civilian population as military targets and their deliberate killing and wounding; The denial and destruction of electricity, water and gas supplies, of foodstuffs and of medical supplies which are essential to the survival of the civilian population; The repeated shelling of hospitals; The detention of civilians as hostages.

45. The Special Rapporteur believes that the following interim steps must be taken immediately, if the tragedy of Sarajevo is to be brought to an end.

(a) An overland relief route should be opened to Sarajevo immediately and enforced by the international community.

(b) Essential installations for the supply of energy and water should be set up under international protection.

(c) The central Kosevo hospital in Sarajevo should be immediately placed under international protection.

(d) Relief - including immediate evacuation abroad for medical treatment - should be given as a priority to those in need of special respect and protection, such as the wounded and sick, the infirm and maternity cases. A speedy evacuation procedure should be created. The Special Rapporteur appeals to the international community to facilitate the process with offers of hospital places.

(e) To create the conditions of trust necessary for the release of all prisoners-of-war and the closure of detention camps - and to protect civilians from being taken hostage - the Special Rapporteur once again urges all parties to notify ICRC immediately of all detentions and give it unimpeded access to register and visit all detainees.

(f) Sniping at civilians to kill or wound deliberately those taking no part in hostilities constitutes a war crime. Therefore snipers should be among those tried and sentenced for grave breaches of humanitarian law.

Annex

PROGRAMME OF THE MISSION OF THE SPECIAL RAPPORTEUR
TO SARAJEVO 11-12 AUGUST 1993

Wednesday 11 August 1993

11.30 - 13.45	Briefing by UNPROFOR and UNHCR officers on the general situation, human rights situation in Bosnia, delivery of assistance, Lifeline initiative
14.00 - 15.00	Meeting with the Vice-President of the Republic of Bosnia and Herzegovina, Mr. E. Ganich, and the representatives of various political groups
15.00 - 16.00	Meeting with the Deputy Prime Minister of the Republic of Bosnia and Herzegovina, the Minister of the Interior and other governmental officials
16.00 - 16.30	Meeting with representatives of the War Crimes Commission
16.30 - 17.30	Meeting with representatives of the Health Committee
17.30 - 18.30	Visit to the Kosevo hospital
18.30 - 20.00	Meeting with religious leaders (Imam, Catholic bishop, Orthodox priest, leader of the Jewish community)
20.00 - 21.30	Meeting with local humanitarian non-governmental organizations

Thursday 12 August 1993

9.00 - 10.00	Meeting with UNHCR Protection Officer
10.00 - 12.00	Visit to the Dobrinja district, meeting with local authorities, visit to a hospital, school, bakery
13.00 - 14.00	Meeting with journalists from Oslobodjenie
14.00 - 14.30	Visit to the local television station
15.00 - 15.15	Press conference
15.30 - 16.15	Meeting with representatives of ICRC

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